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29 April 1959

Working Notes

SUBJECT: Financial Hardships in Maternity Cases at Posts Where Inadequate Medical Facilities Exist

1. To alleviate financial hardships in maternity cases at posts where inadequate medical facilities exist, the Director of Personnel is submitting by memorandum to the Deputy Director (Support) five recommendations, namely:

"a. That the Chief, Medical Staff maintain a current list of stations throughout the world where adequate Government or indigenous facilities for child delivery do not exist;

"b. That an R&R program be authorized for each such post (if such has not already been done) and that employees anticipating family increases be cautioned and authorized to combine the maternity evacuation with their R&R travel;

"c. That the standard separation allowance be granted from the time of the employee's departure from the evacuation city until the patient's departure from the evacuation city, excluding the period of her hospital confinement;

"d. That the Agency not assume the expenses for care of minor dependent children remaining at the post;

"e. That the Agency not assume the expenses of the employee's second trip to the evacuation city."

2. The concurrence of the General Counsel is sought. The Deputy Director (~~Plans~~) has concurred in the proposal and the Chief of the Medical Staff has concurred "pending the pursuit and obtainment of legislative authorization." Recommendations a, b, d and e pose no problems for this Office. However, recommendation "c" cannot be concurred in by this Office because of the reasons which are developed below.

3. The referenced memorandum gives the following reason for seeking the approval of recommendation "c": "The payment of a separation allowance under conditions of maternity separation necessitated by the lack of adequate medical facilities at the post of duty appears to be in consonance with the statutory concept that separation is warranted at posts which are 'notably unhealthful'. In this case we will merely be extending the general concept of 'notably unhealthful' conditions to a specific factual condition . . . ." The statutory basis for paying separation allowances to employees of this Agency is found in section  which reads: "In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes . . . the Director is authorized to grant to any officer or employee of the Agency allowances in accordance with the provisions of section 901(1) and 901(2) of the Foreign Service Act of 1946." Section 901 of the Foreign Service Act of 1946 reads in pertinent part:

"In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes . . . the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States -

"(2) cost-of-living allowances, whenever the Secretary shall determine -

"(iii) that an allowance is necessary to assist an officer or employee of the Service who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment; . . . ."

4. The Standardized Regulations (Government Civilian, Foreign Areas), section 261.1 defines "separation allowance" as an "allowance granted pursuant to section 901(2)(iii) of the Foreign Service Act of 1946 to assist an employee who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and/or minor children elsewhere than in the country of his assignment". Section 261.2 states that: "The payments are intended to offset the additional expenses incurred by an employee who is compelled by specified circumstances to maintain separate households for himself and his family. The allowance considers costs such as additional housing, duplication of expenses for household equipment, etc." It is pointed out in section 262.1 c (2) that: "Lack of medical or hospital facilities in the area, as determined by reliable medical authority, to provide adequate treatment required for an illness or other condition of health of a member of the employee's family" is considered as meeting the requirement of excessively adverse conditions.

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